

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:20-cr-142
JUDGE DOUGLAS R. COLE

ALEXANDER SITTENFELD,

Defendant.

ORDER RELATING TO UNDERCOVER AGENTS

Upon consideration of the joint motion by the parties to the above-captioned matter, and based upon the parties' stipulations relating to FBI undercover agents ("UCEs") who were involved in the investigation of this matter and who could testify as witnesses at trial, **IT IS HEREBY ORDERED:**

1. There must be no disclosure of any kind of any UCE's unique number as identified in discovery or of any UCE's true identity or address in written submissions or orally. Rather, the parties shall refer to the UCEs as UCE-1, UCE-2, and UCE-3 or, during trial only, by the names each UCE used as undercover agents in this investigation.

2. The Government, thirty (30) days before trial, will provide (1) the true identities and (2) the FBI field office of three undercover agents—UCE-1, UCE-2, and UCE-3, as identified in the Indictment—to Defense Counsel for the Defendant. After this information is provided, the Parties agree to continue to refer to the UCEs as UCE-1, UCE-2, and UCE-3.

3. Defense Counsel recognizes, acknowledges, and agrees that the disclosure or dissemination to any third party, including the defendant, of the true identities of the UCEs could result in substantial harm being incurred by the Government and each of the UCEs individually.

4. Defense Counsel may, upon receipt of the true identities of the UCEs and their field offices, conduct appropriate investigation of the witnesses in search of impeachment information. However, Defense Counsel recognizes, acknowledges, and agrees that, pursuant to the Order, its investigation will not result in the disclosure of affiliation with the FBI or work as an undercover agent.

5. Defense Counsel may not, directly or indirectly, disclose, disseminate, publish or permit the disclosure, dissemination, or publication of the true identities of the UCEs, or the affiliation of the identified agents with the FBI, or their work as an undercover agent, to or for any other person, group, firm, or other entity for any purposes beyond those necessary and required for the proper investigation of impeachment information.

6. Defense Counsel may disclose an agent's true name and field office only to individuals in their firms or whom they employ to work on this case and only to the extent of the person's need to know to carry out the person's duty on this case.

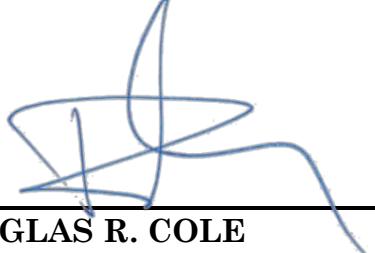
7. Any person in the employ of Defense counsel or working on behalf of Defense Counsel in this matter who receives the disclosure of the UCEs' true identities at Defense Counsel's discretion must sign a nondisclosure agreement before receiving such information. The nondisclosure agreement is attached to this Order as Exhibit A.

8. If the Government does not call UCE-1, UCE-2, or UCE-3 to testify at trial, the Government will make any UCE who does not testify available for the defense to call as a witness, at any point the defense chooses.

SO ORDERED.

March 9, 2022

DATE



DOUGLAS R. COLE
UNITED STATES DISTRICT JUDGE

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:20-cr-142
JUDGE DOUGLAS R. COLE

ALEXANDER SITTENFELD,

Defendant.

NONDISCLOSURE AGREEMENT

The undersigned hereby acknowledges that he or she has read the Order Relating to Undercover Agents (the “Order”) entered in the United States District Court for the Southern District of Ohio in the case captioned United States v. Sittenfeld, Criminal No. 1:20-cr-142, understands its terms, and agrees to be bound by each of those terms. Consistent with the Order, the undersigned agrees to not, directly or indirectly, disclose, disseminate, publish or permit the disclosure, dissemination, or publication any information relating to the true identities of FBI undercover agents described in the Order, the affiliation of the agents with the FBI, or their work as undercover agents that has made available to him or her other than in strict compliance with the Order. The undersigned acknowledges that his or her duties under the Order shall survive the termination of this case and are permanently binding, and that failure to comply with the terms of the Order may result in the imposition of sanctions by the Court.

DATED: _____

BY: _____
(type or print name)

SIGNED: _____